

LR 1030-1 Notice Required

A party seeking a default judgment in an action *in rem* must show to the satisfaction of a judge, that due notice of the action and arrest of the property has been given:

(a) By publication as required by [LR 1025-1](#) ;

(b) By service on the master or other person having custody of the property; and

(c) By delivery, or by certified mail return receipt requested, to every other person who has not appeared in the action and is known to have an interest in the property.

The party seeking a default judgment may be excused for failing to give notice to such "other person" upon a satisfactory showing that a diligent effort was made to give notice without success.

LR 1030-2 Persons With Recorded Interests

(a) If the defendant property is a vessel documented under the laws of the United States, the parties must obtain a current Certificate of Ownership, or Abstract of Title copy, from the United States Coast Guard and give notice to the persons named therein who appear to have an interest.

(b) If the defendant property is a vessel numbered as provided in the Federal Boat Safety Act, the party must obtain information from the issuing authority and give notice to the person(s) named in the records of such authority who appear to have an interest.

LR 1030-3 Manner of Giving Notice

A required notice, other than by publication, of the action and arrest of the property will be given

by delivering a copy of the pleadings and warrant of arrest. The delivery may be made by personal service or by certified mail with return receipt requested.

LR 1030-4 Motion for Default Judgment

Upon a showing that no one has appeared to claim the property and given security, and that due notice of the action and arrest of property has been given, a party may move for judgment at any time after the time to answer has expired.

If no one has appeared, the party may have an ex parte hearing before a judge and judgment without notice.

If any person has appeared and does not join in the motion for judgment, such person will be given seven (7) days notice of the motion; provided, however, that upon good cause, a judge can shorten the time of the required notice.

Amendment History to LR 1030

December 1, 2009

LR 1030-4 Time changed from "five (5)" days to "seven (7)" days.